

J. CHARLES COONS, ESQ.

Nevada Bar No. 10553

ccoons@righthaven.com

JOSEPH C. CHU, ESQ.

Nevada Bar No. 11082

jchu@righthaven.com

Righthaven LLC

9960 West Cheyenne Avenue, Suite 210

Las Vegas, Nevada 89129-7701

(702) 527-5900

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

JEFF BUCKNER, an individual,

Defendant.

Case No.: 2:10-cv-01455

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Jeff Buckner (“Mr. Buckner”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

1 13. Mr. Buckner's display of the Infringement was and is purposefully directed at
2 Nevada residents.

3
4 **VENUE**

5 14. The United States District Court for the District of Nevada is an appropriate
6 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
7 the claim for relief are situated in Nevada.

8 15. The United States District Court for the District of Nevada is an appropriate
9 venue, pursuant to 28 U.S.C. § 1400(a), because Mr. Buckner is subject to personal jurisdiction
10 in Nevada.

11
12 **FACTS**

13 16. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
14 102(a)(1).

15 17. Righthaven is the owner of the copyright in and to the Work.

16 18. The Work was originally published on May 25, 2010.

17 19. On August 25, 2010, the United State Copyright Office (the "USCO") received
18 Righthaven's official submittal for the registration of the Work including the application, the
19 deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1-
20 477052633, attached hereto as Exhibit 3.

21 20. On or about May 26, 2010, Mr. Buckner displayed, and continues to display, the
22 Infringement on the Website.

23 21. Mr. Buckner did not seek permission, in any manner, to reproduce, display, or
24 otherwise exploit the Work.

25 22. Mr. Buckner was not granted permission, in any manner, to reproduce, display, or
26 otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

23. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 22 above.

24. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

25. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

26. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

27. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

28. Mr. Buckner reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

29. Mr. Buckner created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

30. Mr. Buckner distributed, and continues to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

31. Mr. Buckner publicly displayed, and continues to publically display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

32. Mr. Buckner has willfully engaged in the copyright infringement of the Work.

33. Mr. Buckner's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

34. Unless Mr. Buckner is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus

entitled to preliminary and permanent injunctive relief against further infringement by the Defendants of the Work, pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Mr. Buckner, and Mr. Buckner's officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Mr. Buckner, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Mr. Buckner to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:

a. All evidence and documentation relating in any way to Mr. Buckner's use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom the Defendants have communicated regarding Mr. Buckner's use of the Work; and

c. All financial evidence and documentation relating to Mr. Buckner's use of the Work;

3. Direct the current domain name registrar, GoDaddy, and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

1 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
2 law; and

3 7. Grant Righthaven such other relief as this Court deems appropriate.
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5 **DEMAND FOR JURY TRIAL**

6 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

7 Dated this twenty-sixth day of August, 2010.
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9 RIGHTHAVEN LLC

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11 By: /s/ J. Charles Coons
12 J. CHARLES COONS, ESQ.
13 Nevada Bar No. 10553
14 JOSEPH C. CHU, ESQ.
15 Nevada Bar No. 11082
16 9960 West Cheyenne Avenue, Suite 210
17 Las Vegas, Nevada 89129-7701
18 Attorneys for Plaintiff
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